

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KENNETH A.¹,

Plaintiff,

v.

Case No. 3:17-cv-01575-JR

OPINION AND ORDER

**NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,**

Defendant.

MOSMAN, J.,

On September 4, 2018, Magistrate Judge Paul Papak issued his Findings and Recommendation (F&R) [19], recommending that I REVERSE and REMAND for the immediate payment of benefits. Neither party objected.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.

court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R [19] in full. I REVERSE and REMAND for the immediate payment of benefits.

IT IS SO ORDERED.

DATED this 12th day of November, 2018.



MICHAEL W. MOSMAN
Chief United States District Judge